

REMARKS

This application has been reviewed in light of the Office Action dated May 7, 2004. Claims 1-3, 5-12 and 16-18 are presented for examination, of which Claims 1, 10, and 18 are in independent form. Claims 4 and 13-15 have been cancelled, without prejudice or disclaimer of subject matter, and will not be mentioned further. Claims 1, 10, 16 and 18 have been amended to define still more clearly what Applicant regards as his invention. Favorable reconsideration is requested.

Claims 1-3, 5-12, 16 and 18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 5,608,786 (Gordon) in view of U.S. Patent 5,222,136 (Rasmussen), and Claim 17 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Gordan* and *Rasmussen* in view of U.S. Patent 5,521,719 (Yamada).

Independent Claim 1 is directed to an apparatus connected to a communication network in which transmission information to be transmitted to the destination apparatus designated by a destination designating means is inputted by input means without using the communication network, and the inputted transmission information is transmitted to a destination apparatus through the communication network by facsimile or e-mail in connection with the designation by the communication designation means. The apparatus of Claim 1 comprises security designating means for designating whether the transmission information is confidential or not according to an operation of a console, the console being used when the confidentiality of the transmission information is to be maintained.

If the inputted transmission information is designated to be confidential by the security designating means according to the operation of the console, the inputted transmission information for the e-mail transmission is encrypted by an encryption means prior to the

transmission through the communication network, and the transmission information for the facsimile transmission is transmitted to the destination apparatus by facsimile transmission, using a private security function which enables the inputted transmission information to be outputted by the destination apparatus when a correct secret number is entered, through the communication network without the encryption of the inputted transmission information by the encryption means.

With an apparatus according to Claim 1, it is possible to ensure the security of the transmission information by the encryption for the e-mail transmission and the private security function for the facsimile transmission in case that the inputted transmission information has been designated as being confidential according to the operation of the console. Thus, such an apparatus makes it possible to select the scheme, corresponds to the adopted transmission protocol, to ensure the security of the inputted transmission information, when the inputted transmission information is to be maintained confidential.

Furthermore, because users of the apparatus need not be concerned with differences in protocol as between a facsimile and an e-mail transmission, and can operate the console to maintain confidentiality of the information, the ease of use and reliability (operability) are remarkably improved.

Gordon, the primary reference, has been discussed in previous papers, and it is not believed to be necessary to repeat that discussion in full. Applicant notes, however, that in the *Gordon* apparatus, transmission information is encrypted in the UniPost Access Node, and since the UniPost Access Node receives the transmission information through the Public Switched Telephone Network (i.e., communication network) and encrypts the received transmission information, the transmission information is not inputted without using

communication network, and even if it is encrypted prior to transmission back into the communication network, the fact that it is first received from the network means that any encryption that may have been done before the data first entered the network, is not taught or suggested by *Gordon*.

Applicant also notes that nothing in *Gordon* would teach or suggest designating whether transmission information is confidential or not according to an operation of a console for transmission by either facsimile or e-mail, as recited in Claim 1. More generally, Applicant believes it highly relevant that *Gordon* does not, as far as Applicant can see, disclose a system of any type that would be capable of ensuring the security of transmission information by encryption for e-mail transmission and the private security function for the facsimile transmission in a case in which the inputted transmission information has been designated as being confidential according to the operation of a console.

In col. 9, lines 19-28, *Gordon* describes the security generally corresponding to traditional non-encrypted facsimile transmission. However, in this context, the “security” referred to is not the private security function provided by an apparatus according to Claim 1, but simply the security obtained by the general facsimile transmission protocol.

Thus, Claim 1 is believed to be clearly allowable over *Gordon*, taken alone.

Rasmussen relates to an encrypted-communication system, in which it is intended to provide a universal encryption system (usable with facsimile signals and with digital and analog voice signals), and which will thus permit a portion of an encryption key to be sent to a recipient in encrypted form without either jeopardizing the security of the system, or undue expense. As pointed out by the Examiner, the *RAsmussen* apparatus has a display and control panel (see Fig. 3) which provides control buttons by means of which a user can designate that a

given communication is or is not to be encrypted (mode button 94). The display also has a button 92 by means of which the user designates which type of device (fax machine, voice source or data source) will be the source of the data to be transmitted. Nothing has been found in *Rasmussen*, however, that would teach or suggest security designating means for designating whether a transmission information is confidential or not according to an operation of a console, where the console is used when confidentiality of the transmission information is to be maintained, as recited in Claim 1.

Much less is anything in that patent seen to teach or suggest means of any kind that would provide for using a private security function which enables the inputted transmission information to be outputted by the destination apparatus when a correct secret number is entered, through the communication network without the encryption of the inputted transmission information by the encryption means, when facsimile communication has been designated, as recited in Claim 1. Even if *Rasmussen* and *Gordon* were combined in the manner proposed in the Office Action (and assuming for argument's sake that such combination would be proper), the result would not meet the terms of Claim 1.

Independent Claim 18 is directed to a communication apparatus connected to a communication network, the apparatus comprising a destination designating unit adapted to designate a destination apparatus, an input unit adapted to input transmission information to be transmitted to the destination apparatus designated by the destination designating unit without using the communication network, and a facsimile communication unit adapted to transmit the transmission information inputted by said input unit to a destination apparatus in accordance with facsimile communication specifications. Also provided are an encryption unit adapted to encrypt the transmission information inputted by the input unit without using the communication

network, where the transmission information is encrypted before being transmitted through the communication network to maintain confidentiality of the transmission information, and an electronic-mail communication unit adapted to transmit the transmission information inputted by the input unit or encrypted by the encryption unit to a destination apparatus in accordance with electronic-mail specifications. The apparatus of Claim 18 also has a communication designating unit adapted to cause transmission of the transmission information by selecting either the facsimile communication unit or the electronic-mail communication unit, and a security designating unit adapted to designate whether the transmission information is confidential or not according to an operation of a console, wherein the console is used when confidentiality of the transmission information is to be maintained. A control unit is provided that is adapted to control the facsimile communication unit, the encryption unit and the electronic-mail communication unit such that, if the transmission information has been designated as being confidential by the security designating unit, the facsimile communication unit transmits the inputted transmission information to the destination apparatus by facsimile transmission, using a private security function which enables the inputted transmission information to be outputted by the destination apparatus when a correct secret number is entered, through the communication network without the encryption of the inputted transmission information by the encryption means, when the facsimile communication unit has been designated by the communication designating unit, and the electronic-mail communication unit sends the encrypted transmission information to the destination apparatus by electronic mail through the communication network, when the electronic-mail communication unit has been designated by the communication designating unit.

Claim 18 is believed to be clearly allowable over *Gordon and Rasmussen* for

the same reasons as were discussed above in connection with Claim 1.

Independent Claim 10 is a method claim corresponding to apparatus Claim 1, and is believed to be patentable for at least the same reasons as discussed above in connection with Claim 1.

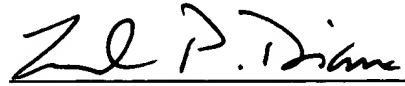
A review of the other art of record, including *Yamada*, has failed to reveal anything which, in Applicants' opinion, would remedy the deficiencies of the art discussed above, as references against the independent claims herein. Those claims are therefore believed patentable over the art of record.

The other rejected claims in this application depend from one or another of the independent claims discussed above and, therefore, are submitted to be patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Applicant's undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "L. P. Diana", written over a horizontal line.

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